

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Susan HARDIN et al.

Serial No.: 09/901,782

Filing Date: July 9, 2001

For: COMPOSITIONS FOR REAL-TIME  
NUCLEOTIDE SEQUENCE  
DETERMINATION

Examiner: B. L. Sisson

Group Art Unit: 1634

**SUPPLEMENTAL INFORMATION DISCLOSURE  
STATEMENT UNDER 37 C.F.R. § 1.97 & 1.98**

MS RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Madam:

Pursuant to 37 C.F.R. §1.97 and § 1.98, Applicants submit for consideration in the above-identified application the documents listed on the attached Form PTO/SB/08a/b. Copies of foreign documents and non-patent literature are submitted herewith. The Examiner is requested to consider and make these documents of record.

Document numbers 184-189 are from Patent Interference No. 105,677 (SGL), which involves related U.S. Patent No. 7,329,492 and application number 11/459,182.

Applicants list below the related U.S. Patents and applications to the present application:

Application Number	Patent Number	Status
09/901,782		Pending
11/007,642		Pending
11/007,794		Pending
11/007,797	7,329,492	Interference 105,677 (SGL) Re-Issue 12/321,343
11/648,106		Pending
11/648,115		Pending
11/648,136		Pending
11/648,137		Pending
11/648,138		Pending
11/648,164		Pending
11/648,174		Pending
11/648,182		Pending
11/648,184		Pending
11/648,191		Pending
11/648,713		Pending
11/648,722		Pending
11/648,856		Pending
12/321,343		Pending

Applicants also call to the attention of the Office a concurrent Opposition proceeding against related European Patent No. 1 368 460. Document number 190 is from this Opposition proceeding. The EP Opposition was based on the following references:

- WO 00/70073
- WO 00/17330
- WO 00/53805
- WO 01/16375
- JU et al., Analytical Biochem. (1995) 231:131-140
- POLLOK and HEIM, Trends in Cell Biology (1999) 9:57-60
- FUREY, Biochemistry (1998) 37:2979-2990

- GLAZER and MATHIES, Current Opinion in Biotechnology (1997) 8:94-102

This Information Disclosure Statement is submitted:

- ☐ With the application; accordingly, no fee or separate requirements are required.
- ☒ Before the mailing of a first Office Action after the filing of a Request for Continued Examination under § 1.114. However, if applicable, a certification under 37 C.F.R. § 1.97 (e)(1) has been provided.
- ☐ Within three months of the application filing date or before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required. However, if applicable, a certification under 37 C.F.R. § 1.97 (e)(1) has been provided.
- ☐ After receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.
  - ☐ A fee is required. A check in the amount of \_\_ is enclosed.
  - ☐ A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.
  - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above; accordingly, no fee is believed to be due.
- ☐ After mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee.
  - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above and a check in the amount of \_\_ is enclosed.
  - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above and a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.)

Applicants would appreciate the Examiner initialing and returning the Form PTO/SB/08a/b, indicating that the information has been considered and made of record herein.

The information contained in this Information Disclosure Statement under 37 C.F.R. § 1.97 and § 1.98 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal form is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief (such as payment of a fee under 37 C.F.R. § 1.17 (p)) is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petition and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing **548642003100**.

Dated: March 10, 2009

Respectfully submitted,

Electronic signature: /Daniel A. Rubé/  
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